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All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

-- Article 1, Section 1, New Jersey State Constitution

Can Soldiers Be Peace Officers?

The Waco Disaster And The Militarization of American Law Enforcement

By David B. Kopel and Paul M. Blackman

I. Introduction

One of the most significant trends of federal law enforcement in the last fifteen years has been its militarization. The logical, perhaps inevitable, consequence of that militarization was seen in the disaster at Waco, Texas, resulting in the deaths of four federal agents, and seventy-six other men, women, and children. In this article, we use the Waco tragedy as a starting point to examine the militarization of federal law enforcement, and similar trends at the state and local level.

Part Two of this article sets forth the details and rationale of the Posse Comitatus Act--the 1878 law forbidding use of the military in law enforcement. Part Three explicates how that Act was eroded by the drug war in the 1980s. The article then discusses how the drug exception to the Posse Comitatus Act was used to procure major military support for the Bureau of Alcohol, Tobacco and Firearms (BATF) raid against the Branch Davidians--even though there was no real drug evidence against them--and how the drug exceptions to the Posse Comitatus Act have made such abuses endemic.

Part Four examines the fifty-one day FBI siege of the Branch Davidian residence, with a focus on the destructive role played by the FBI's Hostage Rescue Team, an essentially military force which has proved counterproductive in a civilian law enforcement context.

In Part Five we look at the problem of groupthink, its role in the Waco tragedy, and the importance of keeping groupthink-prone institutions--like the military--out of law enforcement.

Finally, Part Six offers a broader view of the problem of the militarization of federal law enforcement. We examine the proliferation of federal paramilitary units and federal efforts to

promote the militarization of state and local law enforcement. After explaining the direct connection between the drug "war" and law enforcement militarization, we propose numerous statutory remedies to demilitarize law enforcement.

II. The Posse Comitatus Act

The Posse Comitatus Act of 1878 was passed to outlaw the use of federal troops for civilian law enforcement [Steven Wisotsky, "Crackdown: The Emerging 'Drug Exception' to the Bill of Rights," 38 *Hastings L.J.* 889 (1987); Kurt Schlichter, Note "Locked and Loaded: Taking Aim at the Growing Use of the American Military in Civilian Law Enforcement Operations," 26 *Loy. L.A. L. Rev.* 1291 (1993)].

The law made it a felony to willfully use "any part of the Army...to execute the laws" except where expressly authorized by the Constitution or by act of Congress. The Act of 1878, as amended, provides:

"Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both. [18 U.S.C. § 1385 (1997)].

The idea was that law enforcement and the military are completely different, with the Army geared toward destroying enemies of a different nationality, while law enforcement must serve persons largely friendly, who are guaranteed presumptions of innocence and rights not appropriate when dealing with an enemy during times of war. Anything which made law enforcement seem militarized was un-American; our citizens are not supposed to perceive themselves as subjects of an occupying force. In fact,

according to Brig. Gen. Michael Huffman, "[O]ur Founding Fathers intended this separation of the civilians and the military. They did not want the military dominant, as it was in Europe and so the separation, the civilian control of the military became one of our tenets in the United States. And the Posse Comitatus Act is really a logical follow on to that." ["Activities of Federal Law Enforcement Agencies Toward the Branch Davidians: Joint Hearings Before the Subcomm. on Crime of the Comm. on the Judiciary and the Subcomm. on National Security, International Affairs, and Criminal Justice of the Comm. on Government Reform and Oversight, 104th Cong., 1st Sess., part 1, at 366 (1995)].

As one modern court stated, the Posse Comitatus Act "is not an anachronistic relic of an historical period the experience of which is irrelevant to the present. It is not improper to regard it, as it is said to have been regarded in 1878 by the Democrats who sponsored it, as expressing 'the inherited antipathy of the American people to the use of troops for civil purposes.'" [*Wrynn v. United States*, 200 F. Supp. 457, 465 (E.D.N.Y. 1961)]

Indeed, during the debate over ratification of the Constitution, *The Federalist* assured Americans that the military would never be used against the American people. As Alexander Hamilton said, "If the federal government can command the aid of the militia in those emergencies which call for the military arm in support of the civil magistrate, it can the better dispense with the employment of a different kind of force. If it cannot avail itself of the former, it will be obliged to recur to the latter. To render an army

unnecessary will be a more certain method of preventing its existence than a thousand prohibitions upon paper." -- *The Federalist* No. 29

In *Laird v. Tatum*, Chief Justice Warren Burger referred to "[A] traditional and strong resistance of Americans to any military intrusion into civilian affairs. That tradition has deep roots in our history and found early expression, for example, in the Third Amendment's explicit prohibition against quartering soldiers in private homes without consent, and in the constitutional provisions for civilian control of the military. (408 U.S. 1, 15 (1972) [The case grew out of the U.S. Army's program of spying on anti-Vietnam War political activists in the United States. A five-to-four majority of the Court refused to allow lower federal courts to hear the plaintiffs' complaints that the surveillance program violated their First Amendment rights. The Court majority held that use of the military within the United States against American citizens was "nonjusticiable" and within the sole discretion of the Executive branch. The four dissenters argued that the majority holding is an abdication of judicial responsibility to enforce the Constitution (Douglas, J., dissenting)]).

As another court put it: "Civilian rule is basic to our system of government. The use of military forces to seize civilians can expose civilian government to the threat of military rule and the suspension of constitutional liberties. On a lesser scale, military enforcement of the civil law leaves the protection of vital Fourth and Fifth Amendment rights in the hands of persons who are not trained to uphold these rights. It may also chill the exercise of fundamental rights, such as the rights to speak freely and to vote, and create the atmosphere of fear and hostility which exists in territories occupied by enemy forces [*Bissonette v. Haig*, 776 F.2d 1384, 1387 (8th Cir. 1985), *aff'd* on reh'g, 788 F.2d 812 (8th Cir. 1986), *aff'd*, 485 U.S. 264 (1988)].

Use of the military in domestic law enforcement has repeatedly led to disaster. In 1899, the army was used to break up a miners' strike at Coeur d'Alene, Idaho. Military forces arrested all adult males in the area, imprisoned men for weeks or months without charges, and kept the area under martial law for two years. [Jerry M. Cooper, "Federal Military Intervention in Domestic Disorders, in *The United States Military under the Constitution of the United States, 1789-1989*," at 123, 135 (in Richard H. Kohn ed., 1991)].

During and after World War I, the army broke peaceful labor strikes, spied on union organizers and peaceful critics of the war, and responded to race riots by rounding up black "Bolshevik agitators" (Id. at 136-37).

Historian Jerry M. Cooper observes that the army's efforts "substantially slowed unionization for a decade." (Id. at 137)

One of the most egregious abuses of executive power in American history--President Truman's illegal seizure of the steel mills--was carried out by the military, which obeyed a plainly unconstitutional order. [See *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952): "Even though 'theater of war' be an expanding concept, we cannot with faithfulness to our constitutional system hold that the Commander in Chief of the Armed Forces has the ultimate power as such to take possession of private property in order to keep labor disputes from stopping production. This is a job for the Nation's lawmakers, not for its military authorities." (Id. at 587) "[O]ur history and tradition rebel at the thought that the grant of military power carries with it authority over civilian affairs" id. at 632 (Douglas, J., concurring)]. During the Vietnam War, military intelligence was again deployed against domestic dissidents. "Military investigation of civilian protest activity was precisely the kind of abuse of standing armies that eighteenth-century antimilitarists had feared" [Cooper, *supra* note 8, at 141]. The 1970 killings of student protesters at Kent State University were, of course, carried out by a National Guard unit.

One of the reasons for the disastrous February 28, 1993, BATF raid on the Branch Davidians and April 19, 1993, FBI tank attack on the same group was that they were both run as military exercises, planned and executed with the advice of the U.S. Department of Defense. As Rep. John Conyers later pointed out, "The root cause of this problem was that it was considered a military operation, and it wasn't." ["Events Surrounding the Branch Davidian Cult Standoff in Waco, Texas": Hearing Before the House Comm. on the Judiciary, 103d Cong., 1st Sess. 25 (1993)].

Attorney General Janet Reno, on the other hand, discussed the incident, and the President's involvement, as similar to her acting as a general during World War II, with the President not expected to exercise constant oversight. [Id. at 40] She acknowledged that the April 19 implementation of the "Plan B" tank and chemical warfare assault on the Branch Davidians meant that "in effect [the U.S. Army] Delta Force's recommendation was carried out" [Id. at 65].

As evinced at Waco, there are several loopholes in the Posse Comitatus Act. For one, the prohibition on the use of military personnel and equipment does not mean personnel cannot be used to assist law enforcement, only that they cannot be used directly. [10 U.S.C. § 375 (1997), provides: "The Secretary of Defense shall prescribe such regulations

as may be necessary to ensure that any activity (including the provision of any equipment or facility or the assignment or detail of any personnel) under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law."] Thus, throughout the Waco standoff, military personnel had express legal authority to train FBI and other law enforcement officials to use military vehicles. [10 U.S.C. § 373 (1997), provides: "The Secretary of Defense may, in accordance with other applicable law, make Department of Defense personnel available (1) to train Federal, State, and local civilian law enforcement officials in the operation and maintenance of equipment, including equipment made available under section 372 of this title; and (2) to provide such law enforcement officials with expert advice relevant to the purposes of this chapter." -- In the course of the siege, an FBI negotiator denied to Davidian Steve Schneider that the military was involved, but acknowledged that the military had trained FBI agents to drive tanks. Schneider indicated that he thought that was an erosion of the Constitution. ("Transcripts of BATF Tapes of the Negotiations between Federal Law Enforcement and the Branch Davidians," Feb. 28-Apr. 19, 1993, no. 103, at 41-42 (Mar. 10, 1993))

In addition, the proscription on use of the military is limited to personnel; military equipment can be used, [10 U.S.C. § 372 (1997)] although the usual procedure is to remove or cover military markings. The civilian agency must pay the military for use of the equipment [10 U.S.C. § 377 (1997)].

III. The Drug War Loophole

The exceptions mentioned above are minor in comparison to the largest loophole in the Posse Comitatus Act: the "drug law" exception. Normally, the obligation to reimburse the military for the loan of equipment is a powerful incentive not to use military equipment in domestic law enforcement. A police chief will be hesitant to borrow military helicopters if his department will have to pay for them.

However, when drug laws are involved, the military assistance is free and greater use of military personnel is allowed. See 10 U.S.C. § 374 (1997).

As if to make the "drug war" a literal war, the U.S. military has created special Joint Task Forces (JTF) whose

primary mission is to assist civilian drug law enforcement agencies. [It is not entirely clear that BATF has the authority to request military assistance under the drug-law exception to the Posse Comitatus Act. The exception requires a "request from the head of a Federal law enforcement agency," defined as "an agency with jurisdiction to enforce" a variety of federal laws, none of which falls within the generally recognized jurisdiction of BATF [10 U.S.C. § 374(b)(1) & (b)(4)(A) (1997)]. The House joint committees investigating Waco, though, believed that BATF is authorized as a DLEA ("drug law enforcement agency") by virtue of its investigations of "narcotics traffickers who use firearms and explosives as tools of their trade, especially violent gangs" ("Investigation Into the Activities of Federal Law Enforcement Agencies Toward the Branch Davidians Before the House Comm. on Gov't Reform and Oversight in Conjunction with the Comm. on the Judiciary", 104th Cong., 2d., Sess., 35 n.177 (1996)).]

Some JTF leaders foresee that not-far-distant day when restrictions against use of the military in domestic law enforcement will be abolished completely. [See, e.g., Jim McGee, "Military Seeks Balance in Delicate Mission," *Wash. Post*, Nov. 29, 1996 (detailing the expansion of military involvement in the "drug war" and the desires of some political leaders to expand the military's role in such missions.)]

Next month: Drug Claims as a Pretext for Federal Intervention at Waco

Rights Upheld by Supreme Court

Ed: Here are some cases regarding the licensing of rights. Though many of the cases cited resulted from government denial of First amendment rights they apply with equal force to all rights:

Marbury v. Madison, 5 (1 Cranch) U.S. 137, 174, 176: "The Constitution is superior to any ordinary act of the legislature; the Constitution and not such ordinary act, must govern the case to which they both apply...All laws which are repugnant to the Constitution are null and void."

Murdock v. Pennsylvania, 319 U.S. 105, 113 (1942): "A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution."

Follett vs. Town of McCormick, S.C., 321U.S.573 (1944): Requiring licensing or registration of any constitutional right is itself unconstitutional.

Shuttlesworth v. Birmingham, 394 U.S. 147, 151, 87 S. Ct. 1824, 1830, 18 L.Ed.2d 1210 (1967). Justice Stewart held that "a person faced with such an unconstitutional licensing law may ignore it and engage with impunity in the exercise of the right of free expression for which the law purports to require a license."

U.S. v. Bishop, 412 U.S. 346 (1973): The requirement of an offense committed willfully is not met; therefore, if a taxpayer has

relied in good faith upon a prior decision of this Court, he is not willful.

Byars v. U.S., 273 U.S. 28: Constitutional rights must be interpreted in the favor of the citizen.

Owens v. City of Independence, 445 U.S. 622, reh'g denied 446 U.S. 993 (1980): Officers of the Court have no immunity from liability when violating constitutional rights. See also *Maine v. Thiboutout*, 448 U.S. 1 (1980): No Eleventh Amendment issue because case was brought in State court.

Boyd v. United States, 116 U.S. 616 (1888): The Court is to protect against encroachment of constitutional rights or secured liberties.

Miranda v. Arizona, 384 U.S. 436, 468 (1966): "Where rights secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them."

Norton v. Shelby County, 118 U.S. 425: "An unconstitutional act is not law. It confers no rights, imposes no duties, affords no protections, creates no office. It is, in legal interpretation, as inoperative as if it had never been passed."

The Right to Self-Defense

In 1856 the U. S. Supreme Court ruled that local law enforcement has no duty to protect individuals but only a general duty to enforce the laws (*South vs. Maryland*, 59 US (HOW) 396, 15 L. Ed. 433).

Then in 1982 a U. S. Federal Appeals Court declared: "There is no constitutional right to be protected by the state against being murdered by criminals or madmen" (*Bowers vs. Devot*, U. S. Court of Appeals, 7th Circuit 686 F. 2d 616).

The corollary to *Bowers* is that individuals do have the constitutional right to protect themselves from criminals and madmen whether or not employed by the state.

Gun Owners Seek Patron Saint

By Frances D'Emilio

VATICAN CITY (AP) --

Admirers of a sharpshooting seminarian who became a saint are lobbying the Vatican to make their man the patron saint of handgun owners.

In a ceremony at a hotel just down the street from St. Peter's Basilica, John Michael Snyder, a gun fancier and ex-Jesuit seminarian and who once worked for the National Rifle Association, awarded medals to men who, like himself, think St. Gabriel of the Sorrowful Mother deserves such special Vatican recognition.

"It is obvious that St. Gabriel Possenti is very much a saint for the 21st century," Snyder said of the man whose sharpshooting skills scared away marauders from the Italian village of Isola del Gran Sasso one day in 1860.

According to accounts, Possenti confronted some renegade soldiers who were about to rape a village woman. At that moment, a lizard darted by, and Possenti shot it dead in a display of marksmanship that impressed the bad guys so much they fled.

Speaking on the saint's feast day, Snyder said making Possenti the patron of handgun owners would show that the Vatican is "courageous enough to stick its neck out for the right of individuals to defend themselves against evil and tyranny."

The Vatican has approved of many saints as patrons of various occupations or groups, from maids to chefs, from hunters to funeral directors. But Snyder, who heads the Arlington, Va.-based St. Gabriel Possenti Society, Inc., might not have a quick answer to his prayers. The Vatican press office said it has noted in the past that naming a patron for gun lobbyists isn't opportune.

Snyder said the Vatican told him a few years ago that he needed to enlist bishops around the world for his cause. But he is not discouraged. "I intend to keep bringing this to the Vatican's attention till they finally get the message," Snyder said at the ceremony. "Things in the Catholic church often take a very, very long time."

The medals he handed out bear an image of the saint, described as the "guardian saint of marksmen," flanked by a handgun and a lizard.

About 20 people attended the medal ceremony. Among those honored were a great-grandnephew of the saint, Francesco Possenti, and Paolo Tagini, author of an article in the Italian magazine *Armi (Arms)* lamenting how few Italians know of the saint's heroism.

The magazine also carried a "prayer of the sharpshooter" asking Possenti to "bless our arms so that they may serve to defend and never ever to offend."

The "Moderate" Military

COLUMBIA, S.C.-- For years, some of America's most influential experts and academics have suggested that the US military is drifting dangerously far to the right on a host of important social issues,

creating a growing gap between the armed forces and the rest of the nation. Several have gone so far as to label it a crisis.

Yet mounting evidence indicates that America's military leaders are more in tune with the rest of America than previously thought. While they may take strong conservative stands on homosexuality and the death penalty, military officers are in fact more inclined to favor handgun controls and abortion rights than the civilian population.

"Like any other group, they are really more diverse than a lot of people give them credit for," says Carroll Doherty of the Pew Research Center in Washington.

Perhaps the strongest support for the notion of a moderate military is a study by Peter Feaver, a political scientist at Duke University in Durham, N.C., that was released in 1999 by the Triangle Institute for Security Studies.

It showed that senior military officers identify with the Republican Party by an 8 to 1 margin, but they are measurably less conservative than the public on a number of key issues.

More than two-thirds of military officers (69 percent) favor strict handgun controls. A 1999 Pew survey found only 56 percent of the public favored controls.

Military officers strongly opposed banning books advocating homosexuality or communism. More than half the public says "books containing dangerous ideas" should be banned from public school libraries, Pew reports.

"The military is squarely between elite civilians and the general public on many issues," says Professor Feaver.

"We are not practicing partisan politics to the detriment of military professionalism," says Lt. Gen. Richard Chilcoat, president of National Defense University and the oldest serving general on active duty. "When you get beneath the surface, you see that military officers have a strain of liberalism that runs through them - they're more liberal than the general public on a number of issues," he says. -- *Christian Science Monitor*, February 18, 2000

The Green Mountaineer: The Ballad of the Vermont Militia

Ho, all to the borders, Vermonters
come down

With your breeches of deerskin and
jackets of brown

With your red woolen caps and your
moccasins, come

To the gathering summons of
trumpet and drum

Come down with your rifle, let gray
wolf and fox

Howl on in the shadow of primitive
rocks,

Let bear feed securely from pigpen
and stall

Here's two-legged game for
your powder and ball.

Chorus:

Then cheer, cheer, the Green
Mountaineer,

Then cheer, cheer, the Green
Mountaineer.

On the south came the Hessians,
our land to police,

And armed for the battle while
canting of peace,

On our east came the British,
the red-coated band,

To hang up our leaders and eat
up our land.

Ho, all to the rescue, for Satan
shall work,

No gain for the legions of
Hampshire and York,

They claim our possessions, the
pitiful knaves,

The tribute we pay shall be
prisons and graves.

Chorus

We owe no allegiance, we bow
to no throne

Our ruler is law and the law is
our own.

Our leaders themselves are our
own fellow men

Who can handle the sword and
the scythe and the pen.

Hurrah for Vermont, for the
land that we till,

Must have sons to defend her
from valley and hill.

Our vow is recorded, our banner
unfurled,

In the name of Vermont, we
defy all the world.

Chorus

Ed.: This is a song the Vermont militia sang during the time of the Revolutionary War. Vermonters Ethan Allen and the Green Mountain Boys captured Fort Ticonderoga in 1775. At Bennington in 1777 the Green Mountain Boys under General John Stark defeated Hessian mercenaries sent by General Burgoyne on a foraging raid. (Burgoyne's huge cookpot is on display at the Bennington battle monument.) Enjoy the song. An old time spirit of liberty is evident in the words.

Q and A

Q: I have seen movies of political prisoners kneeling on the edge of a trench and being shot one after another so that their bodies fell on top of other bodies. These people walked out under

their own power and knelt as they were directed to do, knowing that they were going to join the dead ones already in the ditch. There are many examples of similar situations; the Bataan Death March comes to mind as another example. Hitler's era as well as Stalin's had plenty of examples. What is it in the nature of we humans that allows this to happen? Why don't we fight or flee when we are about to lose it all--even if there is only a tiny chance of success--or even no chance? Is it that we want to delay the horrible event just a little longer? Is each second of additional life that precious?

A: One of the most unusual of all human behaviors is that which is described above. Most animals will attempt to flee, even if fleeing actually causes their death. Humans will flee fire and windstorm and flood, but in situations as depicted above, they willingly march or are driven to the edge of the pit where they are shot.

The explanation for this behavior is something that is unique to the human. It's called "Game Theory." Game theory is the basis for all interaction where opposing forces calculate and react to change. Game theory keeps opponents at the chess table. As long as both have a reasonably good chance of "turning the tables" and winning, both will remain. There have been excellent papers published on the human behavior that takes place at the edge of the death pit. Basically, the reason that the people go willingly IS NOT that they've given up all hope. On the contrary. Even til the last minute, they believe that 1) Someone will stop it, 2) It can't really be happening, 3) Something will change. In game theory, the loser often waits too long and thus loses everything. The casinos are prime examples of this. People just don't know when to stop hoping they will win. People are killed in front of the pile of bodies they will add to because they don't know when to give up hope. If they'd truly believe that the situation WON'T change, they may make a run for it, calculating that the chances may be better at outrunning the bullet than staying and hoping the executioner will have a change of heart.

It is important that militia people understand game theory. Knowing that the tyrant will not have a change of heart allows us to arm ourselves and to NEVER surrender.

--Norm Olson

Who's the *Real* Threat to Public Safety??

In 1997 FBI Special Agents James E. Duffy and Alan C. Brantley published "Militias: Initiating Contact" which suggested that by establishing a "proactive dialog" with them, law enforcement agencies could better negotiate with militia groups to "diffuse tensions and avert potential flash points."

As part of their report Agents Duffy and Brantley developed a profile of a typical militia group member.

- White males ranging in age from early 20s to mid-50s.

- Attracted to the movement because of gun control issues, believing that the government wants to disarm the people and abolish the second amendment.

- Generally maintain strong Christian beliefs.

- Ardent defenders of the Constitution.

- Feel they represent the ideological legacy of the Founding Fathers.

Agents Duffy and Brantley conclude that the modern militias' tendency to challenge laws and the authority of elected officials create a very real threat to public safety.

Ed: we've heard of racial profiling...

\$6 Million to Family of Man Slain by SWAT Team

FRESNO (AP)--A tiny Central Valley city has agreed to pay \$6 million to the family of a farm worker shot to death by a SWAT team with little experience that stormed his home in search of a shotgun they didn't find.

The settlement brings an end to a wrongful death lawsuit filed against the city of Dinuba by the estate of Ramon Gallardo Sr., a case his family hopes will force small municipalities nationwide to think twice about whether they need special weapons teams.

A jury in a civil trial originally awarded \$12.5 million to Gallardo's wife, 13 children and two other relatives who were at his home when he was killed. But a federal judge reduced the amount to \$7 million.

Dinuba, a farming community of 15,000 about 30 miles south of Fresno, had appealed the judgment. The settlement is to be paid by the California Joint Powers Risk Management Authority, an insurance pool to which the city of Dinuba and other public entities contribute.

Gallardo, a 64-year-old farm worker, was shot 15 times on July 11, 1997, when members of Dinuba's Special Enforcement Unit, wearing hoods, masks and camouflage

outfits, burst through an unlocked front door and into a bedroom where he was sleeping.

"I thought they were robbers," Gallardo's wife, Carmen, testified during the civil trial.

The special unit, which was created earlier that year and had undergone three training sessions, was serving a search warrant after a jailed informant told investigators that a shotgun used in an attempted gang murder had been sold to one of Gallardo's sons.

Police said Gallardo grabbed a knife and moved toward officers, who fired in self-defense.

The gun the officers were looking for was never found, and the informant reportedly later recanted.

Basic Equipment List for the Militiaman

1. One Holy Bible, King James Version. _____

2. Rifle and ammunition. Your choice, but .223, 7.62X39, and .308 are in abundant supply. 150-200 rounds on your person plus minimum 1000 rounds stored securely. More, if you can afford it. _____

3. Backpack, small or medium in size. _____

4. Canteen with cover, filter, and purification tabs. _____

5. Means of shelter or cover. _____

6. Mess kit, spoon, knife, fork, and cup. _____

7. Quality survival knife. _____

8. Compass. _____

9. Maps. _____

10. Bed roll or sleeping bag. _____

11. Personal first aid kit. _____

12. Extra socks, underwear (thermal for winter), T-shirts, etc. _____

13. Camp shovel. _____

14. Hatchet or machete. _____

15. Cold weather jacket. _____

16. Poncho or other rain gear. _____

17. Minimum 3 day food supply. _____

18. Hat, as indicated by weather conditions. _____

19. Hygiene supplies. _____

20. Insect repellent. _____

21. Emergency solar blanket. _____

22. High quality pair of boots. _____

23. Matches or cigarette lighter. _____

Individual requirements will vary, but this is a good basic list. Accumulate these items as your budget allows. There may be additional items you feel you may need for the area you are in and according to your mission.

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"The Rotten Heart of Europe"

Based on a report by Ambrose Evans-Pritchard in Brussels

The European Court of Justice has ruled that the European Union can lawfully suppress political criticism of its institutions and of leading figures, sweeping aside English Common Law and 50 years of European precedents on civil liberties.

The EU's top court found that the European Commission was entitled to sack Bernard Connolly, a British economist dismissed in 1995 for writing a critique of European monetary integration entitled "The Rotten Heart of Europe."

The ruling stated that the commission could restrict dissent in order to "protect the rights of others" and punish individuals who "damaged the institution's image and reputation". The case has wider implications for free speech that could extend to EU citizens who do not work for the Brussels bureaucracy.

The court called the Connolly book "aggressive, derogatory and insulting", taking particular umbrage at the author's suggestion that Economic and Monetary Union was a threat to democracy, freedom and "ultimately peace".

However, it dropped an argument put forward three months ago by the advocate-general, Damaso Ruiz-Jarabo Colomer, which implied that Connolly's criticism of the EU was akin to extreme blasphemy, and therefore not protected speech. [Ah, the Grand Inquisitor Colomer; Connolly is lucky he wasn't burned at the stake. - Ed.]

Connolly, who has been told to pay the European Commission's legal costs, said the proceedings did not amount to a fair hearing. He said: *"We're back to the Star Chamber and Acts of Attainder: the rights of defendants are not respected or guaranteed in any way; the offence of seditious libel has been resurrected."*

Colomer wrote in his opinion

In the beginning of change the patriot is a scarce man, brave, hated and scorned. When his cause succeeds, however, the timid join him, for then it costs nothing to be a patriot. - Mark Twain

last November that a landmark British case on free speech had "no foundation or relevance" in European law, suggesting that the European Court was unwilling to give much consideration to British legal tradition.

Connolly now intends to take his case to Europe's other court, the non-EU European Court of Human Rights in Strasbourg. -- 7 March 2001

"S&W Must Die!!"

By Gun Owners of New Jersey

Do all you can to alert people to what kind of person owns/operates the Paterson Rod & Gun business in Paterson, NJ (1-973-684-6777). Let him feel the Smith and Wesson boycott. GONJ's answer to his diatribe follows after his email (originally sent in bold print)

THIS PAST WEEKEND WE HAD OUR BIENNIAL OPEN HOUSE. WHEN WE PUT THIS INFORMATION OUT OVER THE NET WE RECEIVED A SUBSTANTIAL RESPONSE FROM YOUR PAGE WITH SOME RATHER RADICAL OPINIONS REGARDS SMITH & WESSON. OUR SHOW WAS VERY WELL ATTENDED WITH ONE NOTABLE EXCEPTION, G-O-N-J WAS G-O-N-E. ...

IS IT POSSIBLE THAT ELECTRONIC CONFRONTATION IS THE ONLY WAY SOME OF THESE ORIGINAL RESPONDENTS CAN SUMMON UP THE GUMPTION TO FIGHT? NO ONE OF US IS THRILLED WITH THE S&W AGREEMENT, HOWEVER THE TIME TO EXPRESS IT HAS JUST PASSED. SEVERAL HOURS OF MY TIME WAS WASTED BY KEYBOARD MUSCLEMEN WHO HAVE GIVEN THE ANTI'S THE VICTORY OF DIVIDING OUR RANKS.

I AM NO LONGER INTERESTED IN HEARING FROM THE INVISIBLE "JERK" WHO SIGNS HIS MAIL "SMITH & WESSON MUST DIE" OR THE BUSINESS GENIUS WHO BELIEVES SOME WHITE KNIGHT IS GOING TO SHOW UP & ACCEPT 150 MILLION DOLLARS IN LIABILITY FOR SOME CHEAP EQUIPMENT ONCE S&W GOES BANKRUPT, OF COURSE, NEVER TAKING INTO ACCOUNT THE 700 PLUS AMERICAN FAMILIES THAT WILL BE OUT OF WORK.

YOUR SITE IS INFORMATIVE

AND ON TARGET IN MANY AREAS HOWEVER IT IS TAINTED BY THE RADICALS WHO WONT EVEN SHOW UP TO SEE IF THEIR OPINIONS HOLD WATER. FINALLY, IN A CONVERSATION YOU HAD WITH MS LOKNLOAD, YOU QUESTIONED MY STATEMENTS RE: "THERE IS NO AGREEMENT." PLEASE BE ADVISED THAT THE S&W AGREEMENT HAS NEVER HAD A CONSENT ORDER VALIDATING IT AND WITH ANY STRETCH I DON'T BELIEVE A. G. ASHCROFT WILL ISSUE THE ORDER.

YOUR SITE IS INFORMATIVE & BENEFICIAL TO ALL GUN OWNERS, REGARDLESS OF THEIR OPINION.. KEEP UP THE GOOD WORK!

MICHAEL GUIDICE

In a message dated 3/5/01 3:13:33 PM, User127127 writes:

<< IS IT POSSIBLE THAT ELECTRONIC CONFRONTATION IS THE ONLY WAY SOME OF THESE ORIGINAL RESPONDENTS CAN SUMMON UP THE GUMPTION TO FIGHT? >>

Our people told you they weren't going to patronize you, and they didn't.

<<NO ONE OF US IS THRILLED WITH THE S&W AGREEMENT.>>

Horse Hockey. You refuse to backup your words with deeds.

<<HOWEVER THE TIME TO EXPRESS IT HAS JUST PASSED. SEVERAL HOURS OF MY TIME WAS WASTED BY KEYBOARD MUSCLEMEN WHO HAVE GIVEN THE ANTI'S THE VICTORY OF DIVIDING OUR RANKS.>>

You, S&W, and gov't lackeys who proposed, signed and obey the terms of this piece of treachery have divided the ranks, not us, you weasel.

<<I AM NO LONGER INTERESTED IN HEARING FROM THE INVISIBLE "JERK" WHO SIGNS HIS MAIL "SMITH & WESSON MUST DIE" OR THE BUSINESS GENIUS

WHO BELIEVES SOME WHITE KNIGHT IS GOING TO SHOW UP & ACCEPT 150 MILLION DOLLARS IN LIABILITY FOR SOME CHEAP EQUIPMENT ONCE S&W GOES BANKRUPT, OF COURSE, NEVER TAKING INTO ACCOUNT THE 700 PLUS AMERICAN FAMILIES THAT WILL BE OUT OF WORK.>>

Your problem. I have a feeling that you just might be getting some more mail/telephone calls. Your socialistic moralizing won't hide the fact that you are unwilling to stand up for our rights when they are attacked by S&W. Making lots of bucks with your treachery, are you?

<<YOUR SITE IS INFORMATIVE AND ON TARGET IN MANY AREAS HOWEVER IT IS TAINTED BY THE RADICALS WHO WONT EVEN SHOW UP TO SEE IF THEIR OPINIONS HOLD WATER.>>

Like I said, many decided to not honor you with their business. When they receive this, many more will undoubtedly also stay away.

GONJ

S&W Must Die!!

The Tax Man's Dirty Little Secret

"The dirty little secret, of course, is that (federal income tax) withholding -- implemented during World War II -- is the linchpin of the welfare state and big government. If Americans had to sit down every April 15 and write a check for their entire tax bill -- instead of having the IRS surreptitiously remove installments from their paychecks each week as if the money never existed -- the beltway bureaucrats and politicians couldn't flee town fast enough to avoid being skinned by angry mobs demanding relief."

- - Las Vegas Review Journal editorial, March 1, 2001

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